

City Council Agenda

Council President
Blong Xiong

Councilmembers

Oliver L. Baines III
Lee Brand
Steve Brandau – Acting President

Paul Caprioglio
Clinton J. Olivier
Sal Quintero

City Manager
Mark Scott

City Clerk
Yvonne Spence, CMC

City Attorney
Douglas T. Sloan

The meeting room is accessible to the physically disabled. If you require special assistance to participate in the meeting, notify the Office of the City Clerk at 559-621-7650 at least three business days prior to the meeting. Please keep the doorways, aisles and wheelchair seating areas open and accessible. If you need assistance with seating because of a disability, contact Security.

The City Council welcomes you to the Council Chambers, located in City Hall, 2nd Floor, 2600 Fresno Street, Fresno CA 93721.

May 9, 2013

10:00 A.M. ROLL CALL

Invocation by Pastor Kevin Smith of the Ark Christian Fellowship

Pledge of Allegiance to the Flag

10:00 A.M. **CLOSED SESSION**

A. **CONFERENCE WITH LABOR NEGOTIATOR** – Government Code Section 54957.6

City Negotiator(s): Bruce Rudd, Ken Phillips

Employee Organizations:

1. IUOE, Stationary Engineers, Local 39 (L39)
2. Fresno City Employees Association (FCEA)
3. Fresno Police Officers Association (FPOA Basic)
4. International Association of Firefighters, Local 753 (Fire Basic)
5. Amalgamated Transit Union, Local 1027 (ATU)
6. International Brotherhood of Electrical Workers, Local 100 IBEW)
7. Fresno Police Officers Association (FPOA Management)
8. International Association of Firefighters, Local 753 (Fire Mgmt)
9. City of Fresno Professional Employees Association (CFPEA)
10. City of Fresno Management Employees Association (CFMEA)
11. Fresno Airport Public Safety Supervisors (FAPSS)

Action Taken: Held

10:00 A.M.

CLOSED SESSION CONTINUED

B. CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION - Government Code Section 54956.9, Subdivision (a)

1. City of Fresno v. County of Fresno; Board of Supervisors of County of Fresno; Real Party in Interest Bigelow Silkwood Friant Ranch L.P.; Friant Ranch L.P.; Friant Ranch No. 2 L.P.; Whispering Springs LLC; Friant Station Inc.; Martin & Associates, LLC; Depot Development Inc; Fresno County Superior Court Case No.: 11CECG00706 (Consolidated with Fresno County Superior Court Case Nos. 11CECG00709 and 11CECG00726)
2. City of Fresno v. Fresno County Local Agency Formation Commission (LAFCO) and Real Party in Interest, Friant Ranch L.P., Friant Ranch No. 2, L.P., Whispering Springs LLC; Friant Station Inc.; Depot Development, Inc.; County of Fresno, Board of Supervisors of the County of Fresno; Fresno County Waterworks, District No. 18; Fresno County Superior Court Case No. 11CECG03812
3. City of Fresno v. Fresno County Local Agency Formation Commission; and Real Parties in Interest Waterworks District No. 18; Friant Ranch L.P.; Friant Ranch No. 2 L.P.; Whispering Springs LLC; Friant Station Inc.; Depot Development, Inc.; Fresno County Superior Court Case No. 13CECG00392

Action Taken: Held

1:30 P.M.

Ceremonial Presentations:

Proclamation of "OLDER AMERICANS MONTH" – Councilmember Olivier – **Read and presented**

Proclamation of "NELSON ELEMENTARY SCHOOL'S DESTINATION IMAGINATION TEAM" – Acting President Brandau - **Read and presented**

The agenda and related staff reports are available on (www.fresno.gov) as well as in the Office of the City Clerk. The Council meeting can also be heard live at the same web site address, and viewed live on Comcast Channel 96 and AT&T Channel 99 from 8:30 a.m. and re-played beginning at 8:00 p.m.

PROCESS: For each matter considered by the Council there will first be a staff presentation followed by a presentation from the involved individuals, if present. Testimony from those in attendance will then be taken. All testimony will be limited to three minutes per person. If you would like to speak fill out a Speaker Request Form available from the City Clerk's Office and in the Council Chambers. The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker.

The green light on the podium will be turned on when the speaker begins. The yellow light will come on with one minute remaining. The speaker should be completing the testimony by the time the red light comes on and tones sound, indicating that time has expired. A countdown of time remaining to speak is also displayed on the large screen behind the Council dais.

Following is a general schedule of items for Council consideration and action. The City Council may consider and act on an agenda item in any order it deems appropriate. Actual timed items may be heard later but not before the time set on agenda. Persons interested in an item listed on the agenda are advised to be present throughout the meeting to ensure their presence when the item is called.

Approve Council minutes of [May 2, 2013](#)

Action Taken: Approved

Councilmember Reports and Comments

Action Taken: None made

Approve Agenda

Action Taken: Approved

Adopt Consent Calendar

Action Taken: Adopted

May 9, 2013

***SUBJECT TO MAYOR'S VETO OR RECONSIDERATION
AND MAY BE AMENDED AT ANYTIME**

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1. **CONSENT CALENDAR**

All Consent Calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered as time allows.

- A. Approve amendments to two (2) agreements with the California High-Speed Rail Authority (CHSRA) related to development of a master cooperative agreement and an architectural services contract (*Property located in Districts 1, 2 & 3*) – Public Works Department
Action Taken: Discussed and continued to 5/23/2013
- B. Approve a consultant services agreement with Badger Meter, Inc., in the amount of \$250,000.00 for assistance with the commercial water meter retrofit project (*Property located Citywide*) – Department of Public Utilities
Action Taken: Approved
- C. Approve the acquisition of an easement from a portion of one (1) parcel (APN 447-031-71) of property owned by Khalid Javed and Priscilla Javed, for the construction of a pedestrian easement on the east side of Cedar Avenue, south of Shields Avenue (*Project located in District 7*) – Public Works Department
Action Taken: Approved
- D. Approve the acquisition of an easement from a portion of one (1) parcel (APN 447-031-70) of property owned by Fresh & Easy Property Company LCC, a Delaware Limited Liability Company, for the construction of a pedestrian easement on the east side of Cedar Avenue, south of Shields Avenue (*Project located in District 7*) – Public Works Department
Action Taken: Approved
- E. Approve the acquisition of an easement from a portion of one (1) parcel (APN 438-182-41) of property owned by Harry Topoozian, Thomas H. Topoozian and Mark Topoozian, for the construction of a pedestrian easement on the east side of Cedar Avenue, north of Shields Avenue (*Project located in District 7*) – Public Works Department
Action Taken: Approved
- F. Approve the re-appointment of Pamela Kallsen to the Housing Authority – Mayor's Office
Action Taken: Approved

CONTESTED CONSENT CALENDAR

2. **GENERAL ADMINISTRATION**

- A. **RESOLUTION** - Rescinding Resolution Nos. 2003-137, 2005-4, 2005-116, 2009-49, and 2009-204, and establishing the Rules of Procedure for the City Council – City Attorney's Office
Action Taken: Resolution No. 2013-65 adopted
- B. * **RESOLUTION** - Establishing the Council Communication Policy - City Attorney's Office
Action Taken: Resolution No. 2013-66 adopted
- C. Actions pertaining to the California and Ventura pavement overlay from Tulare to State Route 99 project – (*Property located in District 3*) - Public Works Department
 - 1. Adopt finding of Categorical Exemption per staff determination, pursuant to Section 15301 Class 1 (c) of the CEQA Guidelines, for the California and Ventura pavement overlay from Tulare to State Route 99 project
Action Taken: Adopted
 - 2. Award a construction contract with Granite Construction Company of Watsonville, California, in the amount of \$783,294.00 for the California and Ventura pavement overlay from Tulare to State Route 99 project
Action Taken: Awarded

2. **GENERAL ADMINISTRATION CONTINUED**

- D. **Actions pertaining to the sewer rehabilitation in Harrison Avenue (*Property located in District 3*) – Department of Public Utilities**
1. Adopt a Finding of Class 1 and 2 Categorical Exemptions, pursuant to Section 15301(b) (Existing Facilities) and 15302(c) (Replacement or Reconstruction) of the California Environmental Quality Act Guidelines
Action Taken: Adopted
 2. * **RESOLUTION** - 49th amendment to the Annual Appropriation Resolution (AAR) No. 2012-125 appropriating \$3,115,300 for the sewer rehabilitation in Harrison Avenue (***Requires 5 affirmative votes***)
Action Taken: Resolution No. 2013-67 adopted
 3. Award a contract in the amount of \$2,981,106 to SAK Construction of California, IP of O'Fallon, Missouri
Action Taken: Awarded
 4. Authorize the Director of Public Utilities or his designee to sign the contract on behalf of the City
Action Taken: Authorized
- E. **BILL – (*For introduction*)** - Annual amendment to Subsection (a) of Sections 7-504 and 7-505 of the Fresno Municipal Code relating to local sales and use taxes, pursuant to the Memorandum of Understanding (MOU) with Fresno County – Finance Department
Action Taken: Bill No. B-13 introduced/laid over

3. **CITY COUNCIL**

- A. **RESOLUTION** - Supporting the Assemi Pharmacy School – Council President Xiong, Acting President Brandau and Councilmember Quintero
Action Taken: Resolution No. 2013-64 adopted

SCHEDULED COUNCIL HEARINGS AND MATTERS

2:00 P.M. **JOINT MEETING WITH THE FRESNO JOINT POWERS FINANCING AUTHORITY AND CITY OF FRESNO CULTURAL ARTS PROPERTIES**

Members: Mayor Swarengin, Council President Xiong and Councilmember Baines

- A. **Consent to allow U.S. Bancorp Community Development Corporation to: (1) transfer its investment fund management role to a third party for its New Market Tax Credit investment in the City of Fresno Cultural Arts Properties; and (2) amend operating agreements**
Action Taken: Approved

ADJOURN AUTHORITY

PLEASE NOTE: UNSCHEDULED COMMUNICATIONS IS NOT SCHEDULED FOR A SPECIFIC TIME AND MAY BE HEARD ANY TIME DURING THE MEETING

SCHEDULED COMMUNICATION

UNSCHEDULED COMMUNICATION – Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk's Office at least ten (10) days prior to the desired date. Council action on unscheduled items, if any, shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda.

SCHEDULED COUNCIL HEARINGS AND MATTERS

May	16 -		NO MEETING – RECESS
May	23 -	10:00 A.M.	HEARING to adopt resolutions and ordinance to annex territory and levy a special tax regarding City of Fresno Community Facilities District No. 9, Annexation No. 4 (Final Parcel Map No. 2006-20) (N. Figarden Drive and N. Gates Avenue) (Property located in District 2)
May	23 -	1:30 P.M.	HEARING re: Rezone Application No. R-11-004, filed by Jeff Cazaly
May	30 -		NO MEETING – MEMORIAL DAY
June	6 -	10:00 A.M.	HEARING to adopt resolutions and ordinance amending the annex territory, changing the services and the rate and method of apportionment and setting a new maximum special tax for Community Facilities District No. 11, Annexation No. 31 (Final Tract Map No. 5358) (Property located in District 2) (north side of Spruce to the River Bluff, between Riverside and Thiele)
June	6 -	10:15 A.M.	HEARING re: Proposition 218 Water Rates
June	6 -	10:30 A.M.	HEARING re: Rezone Application No. R-13-001, filed by Bill Robinson of Sol Development
June	13 -	8:30 A.M.	MEETING
June	20 -	1:30 P.M.	MEETING
June	27 -	8:30 A.M.	MEETING
July	4 -		COUNCIL VACATION
July	11 -		COUNCIL VACATION
July	18 -	10:00 A.M.	HEARING to adopt resolutions and ordinance to annex territory and levy a special tax regarding City of Fresno Community Facilities District No. 9, Annexation No. 5 (Final Parcel Map No. 2011-10) (Property located in District 1) (east side of N. Brawley Avenue between W. Gettysburg and Ashlan Avenues)
July	18 -	10:15 A.M.	HEARING to adopt resolutions and ordinance to annex territory and levy a special tax regarding City of Fresno Community Facilities District No. 11, Annexation No. 49 (Final Tract Map No. 5932) (Property located in District 5) (southwest corner of E. Fancher Creek Drive and S. Sunnyside Avenue) – Public Works Department
July	25 -	10:00 A.M.	HEARING to adopt resolutions and ordinance to annex territory and levy a special tax regarding City of Fresno Community Facilities District No. 11, Annexation No. 50 (Final Tract Map No. 5599) Council District 1) (East side of N. Polk Avenue between W. Shaw and Gettysburg Avenue)

UPCOMING EMPLOYEE CEREMONIES

May	23 -	8:30 A.M.	Presentation of P.R.I.D. E. Team Certificates for the spring quarter (Reception immediately following - 2nd floor foyer)
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